

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILLIAM NIDIFFER and GEORGIA
NIDIFFER,

Plaintiffs,

v.

OASIS MOVING & STORAGE, INC.,

Defendant.

Case No. 2:14-cv-02012-RFB-GWF

ORDER

This case is before the Court on a Motion for Default Judgment filed by Plaintiffs William Nidiffer and Georgia Nidiffer on March 18, 2015. ECF No. 9. Defendant Oasis Moving & Storage, Inc. did not respond to the motion and has not appeared in this action despite being served with a copy of the Summons and Complaint on December 15, 2014. See ECF No. 5.

Under Local Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” Although there is a strong policy underlying the Federal Rules of Civil Procedure that favors deciding cases on their merits, the Court finds that Plaintiffs would be prejudiced in their ability to seek relief absent a default judgment against Oasis.

Therefore, **IT IS ORDERED** that Plaintiffs’ Motion for Default Judgment (ECF No. 9) is GRANTED. The Clerk of Court is instructed to enter judgment in favor of Plaintiffs and against Defendant Oasis Moving & Storage, Inc. in the following amount:

- For actual damages of \$69,140.00 pursuant to 49 U.S.C. § 14706(a)(1);
- For interest on the above amount accruing since December 15, 2014 at the rate of 5.25% per annum until paid in full;

- For costs incurred by Plaintiffs of \$444.50; and
- For attorney's fees in the amount of \$12,500.00 pursuant to 49 U.S.C. § 14708(d), plus interest accruing from the date of judgment at the statutory rate under Nevada law.

DATED: November 2, 2015.



RICHARD F. BOULWARE, II
United States District Judge